

1. Whether EPA acted arbitrarily or unlawfully by promulgating malfunction exemptions that allow uncontrolled hazardous air pollution releases from pressure relief devices and visibly emitting flares at least once or twice every three years.

2. In reviewing Hazardous Organic NESHAP (“HON”) standards for equipment leaks under Clean Air Act section 7412(d)(6), 42 U.S.C. § 7412(d)(6), whether EPA acted arbitrarily or unlawfully (a) by failing to consider and require certain developments in practices, processes, and pollution control technologies and (b) by refusing to revise the Subpart H standards—and thereby the equipment leak standards for Group I Polymers and Resins (“P&R I”) and Group II Polymers and Resins (“P&R II”)—on the basis of cost effectiveness.

3. In setting HON standards for equipment leaks under section 7412(f)(2), whether EPA acted arbitrarily or unlawfully by not requiring stronger controls that would further reduce emissions as necessary to “provide an ample margin of safety to protect public health.” *Id.* § 7412(f)(2).

4. In establishing a fenceline monitoring requirement for some sources under section 7412(d)(6), whether EPA acted arbitrarily or unlawfully by (a) failing to require fenceline monitoring for all sources covered by the HON, P&R I NESHAP, and P&R II NESHAP and (b) setting corrective action levels that exceed unacceptable risk concentrations or that are based on the highest-emitting sources.

5. Whether EPA acted arbitrarily or unlawfully by failing to “provide an ample margin of safety to protect public health” under section 7412(f)(2),

including by substantially underestimating emissions of ethylene oxide from HON sources and chloroprene from polymers and resins sources.

6. In reviewing HON standards under section 7412(f)(2), whether EPA acted arbitrarily or unlawfully by assuming that sources will destroy 99.9 percent of ethylene oxide from process vents and tanks and 98 percent of ethylene oxide from wastewater units, even though the Rule allows controls for vents, tanks, and wastewater units that destroy ethylene oxide by lesser amounts.

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Respectfully submitted,

/s/ Patton Dycus

Patton Dycus

Environmental Integrity Project

919 Millworks Way

Bozeman, MT 59715

(404) 446-6661

[pdycus@environmentalintegrity.org](mailto:pdycus@environmentalintegrity.org)

Abel Russ

Environmental Integrity Project

888 17<sup>th</sup> Street NW, Suite 810

Washington, DC 20006

(802) 482-5379

[aruss@environmentalintegrity.org](mailto:aruss@environmentalintegrity.org)

*Counsel for Petitioners Sierra Club,  
California Communities Against  
Toxics, Air Alliance Houston, and  
Environmental Integrity Project*

/s/ Deena Tumeh

Deena Tumeh

Adam Kron

Kathleen L. Riley

Earthjustice

1001 G St. NW, Suite 1000

Washington, DC 20001

202-793-6482

202-745-5227

202-794-8039

[dtumeh@earthjustice.org](mailto:dtumeh@earthjustice.org)

[akron@earthjustice.org](mailto:akron@earthjustice.org)

[kriley@earthjustice.org](mailto:kriley@earthjustice.org)

*Counsel for Concerned Citizens of St.  
John, RISE St. James Louisiana,  
Louisiana Environmental Action  
Network, Texas Environmental Justice  
Advocacy Services, Air Alliance  
Houston, California Communities  
Against Toxics, Environmental  
Integrity Project, and Sierra Club*

**CERTIFICATE OF SERVICE**

I certify that on August 15, 2024, I served the foregoing on all registered counsel through the court's electronic filing system (ECF).

Dated: August 15, 2024

/s/ Deena Tumeh  
Deena Tumeh